

AMENDED IN ASSEMBLY APRIL 26, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

No. 2356

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**Introduced by Assembly Member Gomez**

February 18, 2016

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An act to add Section ~~21081.3~~ 65583.3 to the ~~Public Resources~~ Government Code, relating to ~~environmental quality~~ land use.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2356, as amended, Gomez. ~~California Environmental Quality Act: infill planning projects. Planning and zoning: housing element: extremely low income housing.~~

*The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. That law requires the housing element to include an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. That law requires this assessment and inventory to include the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, as provided.*

*This bill would authorize a city or county to additionally include in its assessment and inventory the identification of housing for extremely low income households, as defined. If a local government elects to include this identification in its assessment and inventory, the bill would impose certain requirements, including that the identified zone or zones include sufficient capacity to accommodate the need for housing for extremely low income households, that the local government*

*demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of housing for extremely low income households, and that housing for extremely low income households generally be subject only to the development and management standards that apply to residential or commercial development within the same zone. The bill would also provide that the permit processing, development, and management standards applied under these provisions would not be discretionary acts within the meaning of the California Environmental Quality Act.*

~~Existing law, the California Environmental Quality Act, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect, unless the project is exempt from the act.~~

~~This bill would authorize the lead agency to determine whether an infill planning project, as defined, has a significant impact on the environment based on a comparison of the potential change in physical conditions resulting from the infill planning project with the change in physical conditions that would reasonably be expected at build-out under the general plan or zoning designation existing at the time of the lead agency's determination.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 65583.3 is added to the Government Code,  
2     to read:  
3     65583.3. The assessment and inventory adopted pursuant to  
4     subdivision (a) of Section 65583 may include the identification of  
5     a zone or zones where housing for extremely low income  
6     households, as defined in Section 50106 of the Health and Safety  
7     Code, is allowed as a permitted use without a conditional use or  
8     other discretionary permit. If the local government elects to identify  
9     a zone or zones pursuant to this section, all of the following shall  
10    apply:

1 (a) The identified zone or zones shall include sufficient capacity  
2 to accommodate the need for housing for extremely low income  
3 households. If the local government cannot identify a zone or zones  
4 with sufficient capacity, the local government shall include a  
5 program to amend its zoning ordinance to meet the requirements  
6 of this section within one year of the adoption of the housing  
7 element. The local government may identify additional zones where  
8 housing for extremely low income households is permitted with a  
9 conditional use permit.

10 (b) The local government shall also demonstrate that existing  
11 or proposed permit processing, development, and management  
12 standards are objective and encourage and facilitate the  
13 development of, or conversion to, housing for extremely low income  
14 households. Housing for extremely low income households may  
15 only be subject to those development and management standards  
16 that apply to residential or commercial development within the  
17 same zone except that a local government may apply written,  
18 objective standards.

19 (c) The permit processing, development, and management  
20 standards applied under this section shall not be deemed to be  
21 discretionary acts within the meaning of the California  
22 Environmental Quality Act (Division 13 (commencing with Section  
23 21000) of the Public Resources Code).

24 **SECTION 1.** Section 21081.3 is added to the Public Resources  
25 Code, to read:

26 21081.3. (a) For the purposes of this section, “infill planning  
27 project” means any activity related to, or approval by a local  
28 government of, amendments to the general plan or changes in zone  
29 designation that meet all of the following criteria:

30 (1) The proposed amendments or changes collectively increase  
31 planned or zoned housing capacity or jobs capacity within areas  
32 already designated for residential or commercial use.

33 (2) The area of change proposed by the project occurs within  
34 city limits and is substantially surrounded by urban uses.

35 (3) Approval of the project does not affect or otherwise modify  
36 the preexisting thresholds for environmental review for subsequent  
37 projects that are within the scope of the project.

38 (b) The lead agency, in determining whether the infill planning  
39 project has a significant impact on the environment, may base that  
40 determination on a comparison of the potential change in physical

- 1 ~~conditions resulting from the infill planning project with the change~~
- 2 ~~in physical conditions that would reasonably be expected at~~
- 3 ~~build-out under the general plan or zoning designation existing at~~
- 4 ~~the time of the lead agency's determination.~~